

AMENDED IN SENATE JUNE 4, 2003

AMENDED IN SENATE MAY 14, 2003

AMENDED IN SENATE APRIL 21, 2003

AMENDED IN SENATE APRIL 7, 2003

## SENATE BILL

**No. 892**

### **Introduced by Senator Murray**

**(Coauthors: Senators Kuehl, Romero, Soto, and Vincent)**

(Coauthors: Assembly Members Diaz, Lieber, Longville, and Yee)

February 21, 2003

---

An act to add Section 35292.5 to the Education Code, relating to public schools.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 892, as amended, Murray. Public school restrooms.

Existing law provides for the maintenance and repair of school facilities by school districts.

~~This bill would find and declare that every public school pupil has a fundamental right to attend a safe and clean school in which restroom facilities are available, safe, and clean.~~

This bill would require every school in a school district, as a condition of receipt of state *apportionments* from the State School Fund, to have restroom facilities that are open at all times during school hours, maintained and cleaned regularly, fully operational, and stocked at all times with soap and paper supplies. To the extent that this bill imposes additional duties on school districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 35292.5 is added to the Education Code,  
2 to read:  
3 ~~35292.5.—(a) The Legislature hereby finds and declares that~~  
4 ~~every public school pupil has a fundamental right to attend a safe~~  
5 ~~and clean school in which restroom facilities are available, safe,~~  
6 ~~and clean. Therefore, school districts as a condition of the receipt~~  
7 ~~of state apportionments, shall use state allocations in part to ensure~~  
8 ~~that those pupil rights are protected.~~  
9 ~~(b)—~~  
10 35292.5. Notwithstanding paragraph (3) of subdivision (f) of  
11 Section 118505 of the Health and Safety Code, as a condition of  
12 the receipt of apportionments from the State School Fund, every  
13 restroom facility in each school in a school district shall be open  
14 at all times during school hours, maintained and cleaned regularly,  
15 fully operational, and stocked at all times with toilet paper, soap,  
16 and paper towels or hand dryers, and contain the minimum number  
17 of fixtures, as required by the State Architect pursuant to existing  
18 law: paper towels or hand dryers.

